

AO 91 (Rev. 11/11) Criminal Complaint



UNITED STATES DISTRICT COURT
for the
Southern District of Texas

United States Courts
Southern District of Texas
FILED

FEB 27 2020

United States of America

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David J. Bradley, Clerk of Court

v.

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Himanshu Kumar

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)

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Case No.

H-20-mj-416

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 2019 to present in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

*Code Section**Offense Description*

18 USC 1341
18 USC 2314

Mail Fraud
Interstate Transportation of Stolen Property

This criminal complaint is based on these facts:

See attached affidavit.

Continued on the attached sheet.

Mary B. Wright
Complainant's signature

Special Agent Mary Beth Wright

Printed name and title

Sworn to before me and signed in my presence.

Date: 02/27/2020

Nancy Johnson
Judge's signature

City and state: Houston, TX

Nancy Johnson, United States Magistrate Judge
Printed name and title

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT
AND ARREST WARRANT**

I, Mary Beth Wright, a Special Agent with the Federal Bureau of Investigation (FBI), being duly sworn, depose and state:

INTRODUCTION AND BACKGROUND

1. I have been employed as a Special Agent with the FBI since September of 2008. I have received extensive training in the investigation of violations of federal and state law. I am currently assigned to the FBI Texas City Resident Agency (TCRA). I have participated in and have initiated numerous federal investigations which have resulted in the arrest and conviction of individuals who have violated federal laws. I have testified in federal judicial proceedings for violations of federal laws. I have been involved in various types of federal investigations, in the application for and execution of numerous federal search and arrest warrants, and in the debriefing of suspects, defendants, witnesses, and informants, as well as others who have knowledge of the violation of federal laws.

BACKGROUND AND EVIDENCE OF FRAUD

2. On February 11, 2020, TCRA received information from Fort Bend County Sheriff's Office (FBSO) regarding an elder technical support fraud scheme involving the mailing of cash to Federal Express (FedEx) locations in the Southern District of Texas. In general, a technical support scheme occurs when fraudsters trick victims, often elderly, into giving them remote access to the victims'

computers and bank accounts under the guise of providing tech support. One version of this scheme involves victims being told later that they received an overpayment on a refund and that they need to mail the money back in the form of cash or prepaid gift cards.

3. As part of this investigation, I reviewed a police report filed by victim AG with the Indiana State Police. AG reported she was contacted by phone and instructed to mail \$10,000 cash via FedEx to “Victor Aubert” in Houston, Texas because someone doing computer work for her had inadvertently put \$10,000 into AG’s bank account and she needed to return it. Believing the caller, on February 5, 2020, victim AG mailed \$10,000 in cash via FedEx from Evansville, IN to “Victor Aubert” at a FedEx store in Houston, TX. FBSO spoke with FedEx Corporate Security, who advised that on February 6, 2020, the package was picked up by an individual who presented identification as “Victor Aubert.” I later determined that Aubert was Md AZAD by surveillance to an apartment complex where I was able to inspect an apartment lease by MD AZAD and Himanshu KUMAR along with copies of AZAD’S and KUMAR’S Indian passports and visa applications (please see paragraphs 10 and 11).

4. FedEx reported that Aubert (AZAD) had received several packages in the Houston area since December of 2019. I reviewed the FedEx surveillance video of

the individual picking up the package on February 6, 2020, and identified him to be AZAD.

5. I contacted Wes Watson (Watson) with FedEx Corporate Security and obtained a list of shipments sent to Aubert (AZAD) in the past two months. FedEx showed that Aubert (AZAD) was listed as the recipient of 16 packages sent to Houston, Texas-area FedEx stores in January and February of 2020. FedEx sent out an internal alert to its employees to be vigilant about packages being picked up by Aubert or an individual matching Aubert's description. Through the internal alert, FedEx identified an additional alias being used by Aubert (AZAD) of "Steve Bernard." FedEx showed that Bernard was listed as the recipient of five packages sent to Houston, Texas-area FedEx stores in February 2020.

6. I spoke to victim AE who told me that on January 17, 2020, she mailed \$20,000 in cash via FedEx from Grand Prairie, Texas to "Victor Aubert" (AZAD) a FedEx store in Houston, TX. AE reported that she had been defrauded to local police and the FBI. AE says she gave a tech support company she found online her debit card number and remote access to her computer after she got a new laptop. The tech company later told her she was getting a partial refund and then told her they had inadvertently overpaid her and that she needed to return the money via FedEx. I reviewed FedEx surveillance video of the individual picking up the package from AE on January 18, 2020, and identified him to be AZAD.

7. On February 22, 2020, I observed KUMAR enter the FedEx location at 10904 Memorial Hermann Dr, #103, Pearland TX. KUMAR presented identification for “Charles Pedro,” picked up a package and left by vehicle. FBI employees followed the vehicle and observed KUMAR and AZAD exit the vehicle at the Urban Palms apartment complex located at 8701 Town Park Drive, Houston, TX. Later that day, FBI employees observed KUMAR depart the apartment complex and go into a UPS store in Houston, TX. I contacted the UPS Store owner and obtained the surveillance video of KUMAR where I observed that he picked up three packages. The UPS store owner told me that KUMAR had used a Capital One debit card to make a purchase that day. I contacted Capital One and learned that the card was associated with an account in the name of Himanshu KUMAR.

8. The FBI also interviewed victim AD. AD said that on February 21, 2020, he mailed \$20,000 cash from California to “Charles Pedro” at a UPS store in Sugarland, TX. AD said he mailed the money because he was told he needed to return an overpayment related to his “V-Tech Solutions” on his computer. AD determined he had been defrauded and unsuccessfully attempted to intercept the package before it was picked up. On February 22, 2020, an individual providing identification in the name of “Charles Pedro” picked up the package at UPS Sugarland. Based on the video I have observed from FedEx of KUMAR

portraying himself as “Charles Pedro” and KUMAR presenting identification at FedEx in the name of “Charles Pedro,” it is reasonable to believe the individual posing as Pedro at UPS Sugarland was KUMAR.

9. On February 25, 2020, Watson intercepted a package from GP in Center Valley, Pennsylvania addressed to “Charles Pedro” in Houston, Texas. Watson, under his authority and guidelines with FedEx, opened the package, observed and photographed \$20,000 in cash that was packaged within foil and paper. The same day, KUMAR came into the store to pick up the package. Watson photographed KUMAR’s identification, which was in the name of “Charles Pedro,” but did not turn over the package to him. Watson instead provided FBI agents with the cash, which was placed into evidence. Since then, GP has been calling Watson to ask why the package was not delivered because she is receiving calls that if she does not send the money, the caller will “buy weapons using your identity.”

10. On February 26, 2020, Watson intercepted a package mailed via FedEx from JA in Michigan to “Charles Pedro” in Houston, Texas. Watson opened the package, and documented the contents to be \$15,000 in cash, packaged within foil and paper. Watson repackaged the contents. I observed KUMAR depart the Urban Palms apartments by vehicle, at approximately 10:30 a.m. At or about 11:30 a.m., KUMAR arrived at the FedEx store, carrying another package he appeared to have picked up elsewhere, and retrieved JA’s package. At approximately 11:50 a.m., I

observed KUMAR return with a box and enter apartment 2163. I contacted the apartment manager who provided the leasing documentation, which showed KUMAR and AZAD leased apartment 2163 on February 7, 2020. The manager provided a copy of AZAD's Indian passport #N4558803. I observed that AZAD was the same individual who used the identity of Aubert and Bernard. The manager also provided a copy of KUMAR's Indian passport #P9973408. I observed that KUMAR was the same individual who used the identity of Pedro and Caraballo.

11. I also observed AZAD's Non-Immigrant Visa application photo. I observed that AZAD was the same individual who used the identity of Aubert and Bernard. I also observed KUMAR's Non-Immigrant Visa application photo. I observed that KUMAR was the same individual who used the identity of Pedro and Caraballo.

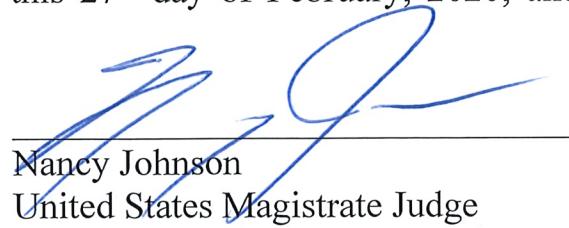
12. Based upon the information delineated above, I believe that probable cause exists for the issuance of a Criminal Complaint charging Himanshu KUMAR and Md AZAD with violations of Title 18 USC 1341 (Mail Fraud) and 18 USC 2314 (Interstate Transportation of Stolen Property).

Respectfully submitted,



Mary Beth Wright, Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me this 27th day of February, 2020, and I find probable cause.



Nancy Johnson
United States Magistrate Judge